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JAMES R. GLIDEWELL DENTAL CERAMICS,
INC. DBA GLIDEWELL LABORATORIES

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

JAMES R. GLIDEWELL DENTAL
CERAMICS, INC. DBA
GLIDEWELL LABORATORIES, a
California corporation,
Plaintiff,
v.
KEATING DENTAL ARTS, INC., a
California corporation,
Defendant.

KEATING DENTAL ARTS, INC., a
California corporation,
Counter-Plaintiff,

v.
JAMES R. GLIDEWELL DENTAL
CERAMICS, INC., DBA
GLIDEWELL LABORATORIES, a
California corporation, and DOES 1
THROUGH 5, inclusive,
Counter-Defendant.

Case No. SACV11-01309-DOC(ANx)

Hon. David O. Carter

**Declaration of Keith Allred in
Support of Ex Parte Application to
Continue Scheduling Order
Deadlines and Dates**

Complaint Filed: August 30, 2011

1 I, Keith Allred, declare as follows:

2 1. I am attorney licensed to practice law in the United States District
3 Court, Southern District of California. I have been employed by James R.
4 Glidewell Dental Ceramics, Inc. ("Glidewell") since September 1996. I have held
5 the General Counsel and Secretary position at Glidewell since 2006.

6 2. Glidewell is unsophisticated with respect to intellectual property
7 litigation. This case is the company's first trademark infringement case, and the
8 first trademark infringement case that I have supervised.

9 3. Leonard Tachner was engaged by Glidewell to represent the company
10 in this case in large part because he presented himself as an experienced trademark
11 litigator. I had no reason to question Mr. Tachner's competence or diligence in
12 prosecuting this action when he was engaged to do so.

13 4. During the course of this litigation, I relied exclusively on Mr. Tachner
14 to guide the company through this lawsuit.

15 5. Mr. Tachner never discussed with me the topics of:

- 16 a. commissioning a survey concerning Keating's allegations that
17 the BRUXZIR mark is generic or lacks secondary meaning, or
18 concerning likelihood of confusion;
- 19 b. securing a report from an industry-focused expert, such as a
20 dentist, concerning Keating's allegations that the BRUXZIR
21 mark is generic or lacks secondary meaning, or concerning
22 likelihood of confusion; or
- 23 c. deposing any dentists that Keating identified as having
24 knowledge regarding Keating's allegation that the BRUXZIR
25 mark is generic.
- 26
27
28

Executed on October 29, 2012 in San Clemente, California.

DECLARATION OF KEITH ALLRED
SACV11-01309-DOC(ANx)

6 The products protected under the registered BRUXZIR mark have generated revenues for Glidewell in excess of \$120 million over the past 3 ½ years, and are far and away the most important product line for Glidewell—i.e., full contour solid zirconia dental restorations in Class 10 (i.e., BRUXZIR Solid Zirconia Crowns and Bridges). Also important to Glidewell is its BRUXZIR Zirconia Blocks in Class 5 that are fabricated using a patent-pending process. Block sales to BRUXZIR Authorized Dental Laboratories continue to grow and the number of BRUXZIR crowns and bridges that are fabricated by Authorized labs rivals that of Glidewell. The amount of attention and publicity the product has enjoyed shows that it caught the attention of respected dental professionals both nationally and internationally.

I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on October 29, 2012 in San Clemente, California.


Keith D. Alfred

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Glidewell Laboratories v. Keating Dental Arts, Inc.
United States District Court, Central, Case No. SACV11-01309-DOC (ANx)

CERTIFICATE OF SERVICE

I hereby certify that on October 29, 2012, I electronically filed the document described as **Declaration of Keith Allred in Support of Ex Parte Application to Continue Scheduling Order Deadlines and Dates** with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

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Dated: October 29, 2012

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